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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,344	01/10/2000	KEVIN MICHAEL RUPPELT	9D-EC-19337	4210

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EXAMINER

CHANG, SABRINA A

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/480,344

Applicant(s)

RUPPELT ET AL.

Examiner

Sabrina Chang

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 3625

## **DETAILED ACTION**

### ***Response to Amendment***

Amendments made to the specification, dated March 25, 2003, have been entered and made of record.

### ***Response to Arguments***

Applicant's arguments, dated March 25, 2003, have been considered but are not found to be persuasive.

Examiner respectfully asserts that the 102(b) rejection applied using John Teresko's *Industry Week* article, was proper. The applicant asserts that the art is not applicable solely because it fails to use the language and wording explicitly used to describe the invention as recited in the claims. However, Teresko's article discloses a program that allows customers to configure complex products by walking him/her through a series of questions. Every choice that the customer makes is given "click by click" feedback. (updating the product matrix based upon product configuration question and answer). The software is available through the Internet, inherently comprising a server, a client with a user interface, a communications network, as well as all necessary electrical components (i.e. processing circuit, memory, etc). Examiner respectfully asserts that the product described by Teresko is substantially the same as that recited in the claims of applicant's invention.

Applicant also objects to examiner's use of official notice regarding web design as well as database design as there was no specific citation made. If the knowledge is of such notorious character that official notice can be taken, it is sufficient so to state [without documentary proof]. *In re Malcolm*, 129 F.2d 529, 54 USPQ 235 (CCPA 1942). The applicant also asserts that the

Art Unit: 3625

combination of well-known aspects of web and database design with the art of record was improper. Examiner believes that the methods of database and web design are well within the scope of the system described by "Calico technology." In that "Calico" comprises a web-based, database-driven catalog system, implementation of the software inherently includes decisions based upon web and database design methods known in the art and therefore combination with official notice regarding such processes is proper.

Restatement of the rejection, dated January 16, 2003, is made below.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 11, 14, 19, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by the article "Calico Technology: Concinity configuration/quotation system" (Teresko, John et al. December 15, 1996. *Industry Week*).

Teresko discloses an Internet-based software package that guides a customer through a vendor's product catalog (database). The software provides "click-by-click" feedback to help the customer in their complex product configuration. It can "walk the customer through a series of questions to configure the order" and narrow the list of potential purchases down to an efficiently viewable list (presenting and answering a product configuration question). As broadly read, this "interactive" searching method returns a list of appropriate/available products that match each of the customer's responses to the questions (product matrix display of results).

Art Unit: 3625

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 6, 9, 10, 13, 15-18, 22, 23, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the article "Calico Technology: Concinity configuration/quotation system" (Teresko, John et al. December 15, 1996. *Industry Week*), as rejected in claims 1, 14, 19 and 25, in view of Official Notice regarding Website design, specifically e-commerce sites.

In specific reference to claims 2, 3, 15, 16, 27, and 28, Teresko does not explicitly disclose that the responsive product matrix shows specific removal of an already selected product configuration parameter from product matrix. Teresko also does not explicitly disclose the insertion of an additional product configuration parameter to replace the eliminated, already selected product configuration parameter. Examiner takes official notice that deletion and insertion of elements in a webpage display is notoriously known e-commerce website design. It would have been obvious to modify the display of Teresko to eliminate already searched parameters and include new searchable parameters, as taught by official notice, in order to make the presentation of information more streamlined.

In specific reference to claims 6, 9, 17, and 22, Teresko does not explicitly disclose that the model identifier is hyperlink to product or that the product parameter is a hyperlink to a product page containing parameter-associated information related to the model identifier.

Art Unit: 3625

Examiner takes official notice that hyperlinks are notoriously known in the art of e-commerce website design as a means of retrieving more detailed information, i.e. leading to another page. Thus it would have been obvious to modify the system of Teresko to include hyperlinks to provide the customer with more detailed information regarding a product, as taught by official notice, without cluttering the main page.

In specific reference to claims 10 and 23, Teresko does not explicitly disclose that the responsive updating includes displaying the configuration answer outside the product matrix. Examiner takes official notice that returning search results (displaying configuration answers) outside of the main display – like in a navigation bar – is notoriously known in the art of e-commerce web design. It would have been obvious to modify the system of Teresko to include the listing of results returned from previous inquiries, as taught by Official Notice, in order to allow the customer to backtrack, if for example their product configuration were to lead to a dead end.

In reference to claims 13 and 18, Teresko does not explicitly disclose that the product configuration parameter is a consumer critical-to-quality parameter. Official notice is taken that using “critical-to-quality” parameters to search for products in electronic catalogs is well known in the art of e-commerce website design. It would have been obvious to modify Teresko to only use the most relevant search parameters, as taught by official notice, in order to limit the inquiries of the customer to only the most important features thereby saving him/her time.

Claims 4, 24 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the article “Calico Technology: Concinity configuration/quotation system” (Teresko, John et al. December 15, 1996. *Industry Week*), as rejected in claims 1 and 25, in view of the article “With

Art Unit: 3625

nine Shopping Days Till Christmas, ShopAround.com Helps Last Minute E-Shoppers Find the Right gift for the Right Price" (December 14, 1999. Business Wire).

Teresko does not disclose side-by-side product comparison capabilities.

The article discloses that comparison-shopping capabilities are well known in the art of e-commerce. It would have been obvious to modify the system of Teresko to include the ability for side-by-side comparison of related products, as taught by "Nine days...", in order to enable the customer to make a more educated purchase and evaluate all their options in a more efficient manner.

Claims 7, 8, 12, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the article "Calico Technology: Concinity configuration/quotation system" (Teresko, John et al. December 15, 1996. *Industry Week*), as rejected in claims 1, 14, 19, in view of Official Notice regarding database design.

Teresko does not explicitly disclose:

- Displaying matrix comprises displaying column headings including model number, price and product configuration heading for parameters
- Determining a selected column heading based on external input and sorting matrix based on heading.
- Displaying product entries sorted by a selected column heading, for example brand name

Official notice is taken that sorting by a field and displaying the results by field is notoriously known in the art of database design. In that Teresko inherently comprises basic database functionality, it would have been obvious to modify the system to sort and display results by specific fields, as taught by official notice, in order to give the customer more flexibility in viewing their search results – i.e. if they have a particular preference for one product feature.

Art Unit: 3625

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

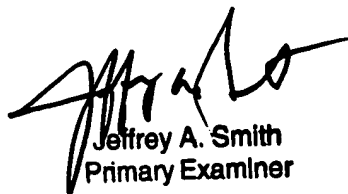
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabrina Chang whose telephone number is 703 305 4879. The examiner can normally be reached on 8:30 am - 5:30 pm Mon.- Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703 308 1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305 7687 for regular communications and 703 305 7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

SC  
June 16, 2003

  
Jeffrey A. Smith  
Primary Examiner